

CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467



TELEPHONE: (302) 744-4500
FAX: (302) 739-2711
WEBSITE: DPR.DELAWARE.GOV
EMAIL: customerservice.dpr@state.de.us

PUBLIC MEETING MINUTES:	DELAWARE REAL ESTATE COMMISSION
MEETING DATE AND TIME:	Thursday, November 14, 2013 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , Second Floor of the Cannon Building
MINUTES FOR APPROVAL	December 12, 2013

MEMBERS PRESENT

Michael Harrington, Sr., Professional Member, Chairman
Ricky H. Allamong, Professional Member, Secretary
Christopher J. Whitfield, Professional Member
Joseph F. McCann, Public Member
James C. Brannon, Jr., Public Member
Lynn Rogers, Public Member
Gilbert Emory, Public Member

DIVISION STAFF/ DEPUTY ATTORNEY GENERAL

Eileen Kelly, Deputy Attorney General
Sandra Wagner, Administrative Specialist III

MEMBERS ABSENT

Andrew Staton, Professional Member, Vice Chairman
Justin Healy, Professional Member

ALSO PRESENT

Danielle Benson, Real Estate Education Committee
Denise Tatman, DAR

CALL TO ORDER

Mr. Harrington called the meeting to order at 9:00 a.m.

REVIEW OF MINUTES

Mr. Whitfield made a motion, seconded by Mr. Emory, to approve the minutes of the meeting held on October 10, 2013. By unanimous vote, the motion carried.

NEW BUSINESS

Discussion and Review of Hearing Officer Recommendations

Kimberly Brasure – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Harrington describing the sanctions. Mr. Allamong made a motion,

seconded by Mr. McCann, to accept the Hearing Officer's recommendation as written. By unanimous vote, the motion carried.

Deborah Gennello – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Allamong describing the sanctions. Mr. Whitfield made a motion, seconded by Mr. Emory, to accept the Hearing Officer's recommendation as written. By unanimous vote, the motion carried.

David Grove – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Whitfield describing the sanctions. Mr. Whitfield made a motion, seconded by Mr. Allamong, to accept the Hearing Officer's Recommendation with the amendment of a minimum 14 day suspension to be lifted only after Modules 1 and 3 have been completed and to strike through the letter of reprimand. The continuing education will not be used for the 2012-2014 renewal period. By unanimous vote, the motion carried.

Sean Heslip - Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Allamong describing the sanctions. Mr. Allamong made a motion, seconded by Mr. McCann, to accept the Hearing Officer's Recommendation as written. By unanimous vote, the motion carried.

Sandra Hunt - Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Brannon describing the sanctions. Mr. Allamong made a motion, seconded by Mr. Whitfield, to accept the Hearing Officer's recommendation with the amendment of a minimum 14 day suspension to be lifted only after 9 electives have been completed and to strike through the letter of reprimand. The continuing education will not be used for the 2012-2014 renewal period. By unanimous vote, the motion carried.

Jennifer Jones – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. McCann describing the sanctions. Mr. McCann made a motion, seconded by Mr. Whitfield, to accept the Hearing Officer's Recommendation as written. By unanimous vote, the motion carried.

Lisa Fusco - Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Rogers describing the sanctions. Mr. Rogers made a motion, seconded by Mr. McCann, to accept the Hearing Officer's recommendation with the amendment of a minimum 14 day suspension to be lifted only after modules 1 and 5 have been completed and to strike through the letter of reprimand. The continuing education will not be used for the 2012-2014 renewal period. By unanimous vote, the motion carried

Maglay Lopez - Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Harrington describing the sanctions. Mr. Allamong made a motion, seconded by Mr. Whitfield, to accept the Hearing Officer's Recommendation as written. By unanimous vote, the motion carried

Larry McAllister - Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Allamong describing the sanctions. Mr. Allamong made a motion, seconded by Mr. Brannon, to accept the Hearing Officer's recommendation as written. By majority vote, the motion carried with Mr. Harrington recusing himself.

Kent Reid - Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Whitfield describing the sanctions. Mr. Whitfield made a motion, seconded by

Mr. McCann, to accept the Hearing Officer's Recommendation as written. By unanimous vote, the motion carried.

Education Committee Report

Ms. Benson went through the Education Committee minutes with the Commission. They had 34 new courses approved, 7 instructors approved, and 3 reviewed for student applications for continuing education and denied 3 for not having instructor information and denied 2 for MD specific courses.

The Education Committee did a little research on surrounding states on how electronic devices are being used. For Maryland, the Real Estate Commission does govern electronic devices and they are not allowed. For Pennsylvania they do not regulate electronic devices PA leaves it up to the instructor or course provider to make the call on whether to allow or not. After much discussion the Education Committee said that they would recommend to the commission to leave it up to the course instructors if they wanted to allow electronic devices or not during their class. Ms. Benson said sometimes the providers have national instructors coming in to give a course and their courses are trademarked and if a person is using an electronic device they could record the course. Mr. Harrington read to the Commission the motion that was made from the Education Committee. Mr. Allamong asked if this could be something that is announced before someone takes the class whether or not an electronic device can be used and if not what are the consequences if someone does. Ms. Benson agreed with Mr. Allamong suggestion as well as the other members on the Commission.

Mr. Whitfield asked about the students that got their courses denied for not having the instructor's resume. Ms. Benson explained that it is in the guidelines that a resume needs to be submitted with student request for CE approval application. There was a discussion on if the instructor is a DE approved instructor why would a resume have to be sent in with request. Ms. Benson said that is true and maybe the guidelines need to be changed to say if DE approved instructor no resume needed. If out of state student CE application submitted then resume would still be needed. Mr. Whitfield would like to recommend that the 3 student applications denied because of no resume submitted with application for DE approved instructors be approved. Ms. Kelly and Ms. Benson stated that when the Education Committee spoke about this that this would cause a burden on the administrative specialist Ms. Williams. It is currently in the guidelines so until they get changed there is nothing that can be done. Mr. Whitfield withdrew his recommendation.

There was a discussion about Mr. Phil McGinnis, Instructor for Continuing Education classes. Mr. McGinnis was sent two letters from the Education Committee about negative comments and having inappropriate slides. Mr. McGinnis was supposed to contact the Education Committee when his next class would be taught so that someone from the Education Committee could monitor the class. Mr. McGinnis's next class was in September and the Education Committee was never notified of this class. The Commission asked about the negative comments and Ms. Benson said there was just one for this past DAR seminar that Mr. McGinnis taught at and that Mr. McGinnis' scores were rated above the 70%.

Mr. Brannon made a motion, seconded by Mr. Emory, to have the Real Estate Commission send Mr. Phil McGinnis a letter about the use of his inappropriate slides in his presentations. Two letters have already been sent to Mr. McGinnis from the Education Committee so the Commission felt the third letter should come from the Commission. By unanimous vote, the motion carried.

Ms. Benson commented that the Education Committee spoke about someone from the Education Committee being the ARELLO contact person. The Education Committee has someone that is interested but wanted to know if that person would be covered under the Commission dues and would they be considered an ARELLO instructor or just as a member. Mr. Allamong said ARELLO is really for

education and that is why the Commission felt it would be better if someone from the Education Committee went to the conferences than someone from the Commission. Mr. Allamong stated that it would be great if someone from the Education Committee could keep up with ARELLO updates and changes then Ms. Benson could have the updates put into the Education Committee minutes. This would keep everyone on both the Committee and Commission updated on others states and changes being made and any other educational updates that may come from ARELLO.

Mr. Allamong made a motion, seconded by Mr. Whitfield, to make an amendment to the minutes from the Education Committee on the use of electronic devices. The amendment would be to change from the Instructor being the one to make an announcement at the beginning of the class about the use of electronic devices to the course provider/school being the enforcer of the use of electronic devices according to their policies. By unanimous vote, the motion carried.

Recommendation to Approve and Deny Course Providers, Instructor Applications and Student Requests as Noted

Mr. Whitfield made a motion, seconded by Mr. Emory, to approve to the education approvals submitted by the Education Committee. By unanimous vote, the motion carried.

Applications for Licensure
Ratification of Salesperson Applications

Mr. Whitfield made a motion, seconded by Mr. Emory, to ratify the following applications for salespersons:

Roberta Troy, Crowley Associates Realty, Inc., Rehoboth Beach, DE
Robert Cherico, Ocean Atlantic Sotherby's, Rehoboth Beach, DE
Aimee DeBenedictis, Coldwell Banker Resort Realty, Rehoboth Beach, DE
Kristen Brough, Coldwell Banker Resort Realty, Rehoboth Beach, DE
Irene Vrentos, Maggio and Shields Real Estate, Rehoboth Beach, DE
Miguel Sanchez, Keller Williams, Dover, DE
Shawn Campbell, Keller Williams Realty at the Beach, Rehoboth Beach, DE
Courtney Ritter, Coldwell Banker Residential Brokerage, Bethany Beach, DE
Joanne Haring, 1st Choice Properties, LLC, Bethany Beach, DE
Greg Dascanio, Blackmore Realty Group, Chadds Ford, PA
Michael Padgett, Jack Lingo Realtors, Lewes, DE
Richard DeJesus, Olimpo Realty, LLC, Wilmington, DE
Erin Miller, Jones Lang LaSalle Americas, Inc., Wilmington, DE

By unanimous vote, the motion carried.

Review of Salesperson Applications

The Commission reviewed the salesperson's application for Derrik Scarpinato. Mr. Whitfield made a motion, seconded by Mr. McCann, to approve the application of Mr. Scarpinato and grant licensure in Delaware. By unanimous vote, the motion carried.

Review of Broker and Associate Broker Applications

The Commission reviewed the associate broker's application of Anne Menaquale. Mr. Whitfield made a motion, seconded by Mr. Emory, to approved Ms. Menaquale's application. By unanimous vote, the motion carried.

The Commission reviewed the broker's application of Patrick McCambridge. Mr. Whitfield made a motion, seconded by Mr. Emory, to approve Mr. McCambridge's application. By unanimous vote, the motion carried.

Review of Applications for Reinstatement

The Commission reviewed the application of William Rash for reinstatement of a salesperson's license. Mr. Whitfield made a motion, seconded by Mr. Rogers, to approve Mr. Giberson's reinstatement application upon successful passing of the both exams. By unanimous vote, the motion carried.

The Commission reviewed the application of Timothy Carper for reinstatement of a salesperson's license. Mr. Whitfield made a motion, seconded by Mr. Rogers, to approve Mr. Carper's reinstatement application upon successful passing of the State exam. By unanimous vote, the motion carried.

The Commission reviewed the application of Marylynne Burns for reinstatement of a salesperson's license. Mr. Whitfield made a motion, seconded by Mr. Rogers, to approve Ms. Burns' reinstatement application upon successful passing of the State exam. By unanimous vote, the motion carried.

Review of Applications for New Office

There were no new offices for review in the month of November.

Status of Complaints

Complaint 02-01-13 – Closed by Investigator
Complaint 02-31-13 – Closed by Investigator
Complaint 02-19-12 – Forwarded to the Attorney General
Complaint 02-19-12 – Closed by Attorney General's Office

Correspondence

Questions from Bill DeLauder, Jr.

Mr. DeLauder sent an email to the Real Estate Commission asking if the Commission has adopted a square foot measurement guideline and what standard is acceptable. Are listing agents required to measure/certify square footage of properties and does the Commission publish a directory of real estate agents.

Mr. Harrington read the questions to the Commission and asked for their input. Ms. Kelly stated that there is nothing in the rules and regulations about measuring or square footage. The answer should be "no" to the first two questions. The Division does have a list of licensed real estate agents on their website that anyone can reference. Ms. Wagner will contact Mr. DeLauder with the answers from the Commission.

OLD BUSINESS

Mr. Whitfield made a motion, seconded by Mr. Allamong, to amend the agenda to add the Signing of Lauren Felton and Jennifer Stein's Orders. By unanimous vote, the motion carried.

Discussion and Review of Hearing Officer Orders

Mr. Whitfield made a motion, seconded by Mr. Allamong, to table the following Orders for Discussion and Review until December's meeting. By unanimous vote, the motion carried.

Gabriel Carey
Grimly Foret
Dennis Geraghty
Shonda Kelly

Caroline Njunge
John Wigton

Review of Tabled New Office Application

Mr. Allamong made a motion, seconded by Mr. Whitfield, to approve the new office application for Homesearch.com Realty Services, Inc. By unanimous vote, the motion carried.

OTHER BUSINESS BEFORE THE COMMISSION (for discussion only)

Mr. Harrington received a response from Mr. Collins about having Continuing Education reciprocity and is in favor. Mr. Harrington would like the have the Education Committee take a look at trying to get some guidelines in place and work on implementation. Mr. Harrington would like to attend the next Real Estate Education Committee meeting in December.

Mr. Allamong discussed having the Disclosure forms updated on the website by December 1, 2013. Ms. Wagner stated she would work with the Operations team to get the forms updated on the website and a mass email to all licensees. Mr. Allamong wanted Ms. Wagner to send the final forms to Ms. Denise Tatman for DAR.

PUBLIC COMMENT

There was no public comment for November.

NEXT SCHEDULED MEETING

The next meeting will be held on Thursday, December 12, 2013 at 9:00 a.m.

ADJOURNMENT

Mr. Brannon made a motion, seconded by Mr. McCann, to adjourn the meeting. By unanimous vote, the motion carried. The meeting adjourned at 10:24 a.m.

Respectfully submitted,



Sandra Wagner
Administrative Specialist III

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.